

CHARTER REPORT.

THE Republican Charter Commission held a meeting last night with the chairman, Col. J. H. Fisher, in the chair. Ed Towse was elected secretary pro tem. The following members were present: Dr. G. H. Huddy, Enoch Johnson, Geo. A. Davis, W. O. Smith, J. A. Gilman, Chas. Wilson, Col. J. H. Boyd, L. L. McCandless, W. C. Roe, A. V. Gear, Fritz Wilhelm and Chas. Nolley.

W. O. Smith, as chairman of the sub-committee on draft, submitted the following written report:

Colonel J. H. Fisher, Chairman Charter Committee.

Sir: The undersigned members of the sub-committee appointed to prepare a draft of charter, or act of incorporation, for the City and County of Honolulu, respectfully present their report.

After their appointment, on the 20th of December last, the committee proceeded to consider plans for a municipal government which in their opinion would be suited to existing conditions, and to map out the work. The facts that there were no special statutes of the Territory governing the establishment of such organizations, and no such governments had heretofore been created in these islands, and the conditions were unique, presented features which in some respects added to the difficulties of the case.

After a discussion of the provisions which were deemed of chief importance, the committee engaged G. A. Davis, Esq., a member of the committee, to prepare a draft of the proposed Act; and T. McCants Stewart, Esq., another member, on his own behalf also prepared a draft.

Both of these drafts were before the committee, and from them the draft now submitted to the General Committee has been prepared, and we herewith present the same for consideration.

The drafts prepared by both of these gentlemen followed the same general plan in most particulars, but differed in detail. The draft prepared by Mr. Stewart was, however, largely followed.

The draft now submitted, after defining the limits of the City and County of Honolulu, and of the wards and precincts, prescribes the form of government, and then provides somewhat in detail for the powers and duties of officers.

It will be observed that an effort has been made to follow, in many respects, the provisions of the existing laws of the Territory.

Upon the following subjects the provision of the present laws have been followed as far as seemed practicable, namely:

Department of Finance.
Auditor and Public Accounting.
Police Department and Coroners.
Sales and Leases of Public Lands.
Highways.

Department of Water Works.
Fire Department.
Department of Taxes and Assessments.
Department of Public Instruction.
Department of Health.

Election Laws.
The committee believe it better, so far as feasible, to follow the methods and regulations with which the community is familiar, rather than unnecessarily to present new and untried schemes.

Among the new subjects presented are provisions for:

Department of Buildings.
Department of Parks.
Law Department and Corporation Counsel.
Granting of Franchises.
District and City Courts.
Income Tax.

The draft of the Act presented is open to criticism. The members of the committee do not consider it finished work. Had there been more time, and the circumstances less urgent, we would have again revised it, corrected some errors which have crept in, and altered somewhat the order of the subjects. A more clear division of the topics could have been made, and an index prepared.

The work has been pursued under difficulties. The time for meetings has been taken from busy hours and at night. The committee has held twenty-seven regular meetings besides many conferences.

Before closing this report, we would call attention to the provision in section 37 of the draft (page 20), relating to the administrative department, that "there shall be the following administrative departments in said City, or as many of said departments as the Mayor and Board of Aldermen may organize by appointing the heads thereof."

The purpose being not to compel the City to take over certain departments until prepared to do so. For instance, it might not be convenient or advisable, immediately upon the Act becoming operative, to take over the Department of Public Instruction.

Anticipating the criticism that too much of detail has been attempted; that some of the matters incorporated should be left to be covered by ordinances of the Board of Aldermen, we would state that before the Board of Aldermen will have opportunity to prepare and adopt ordinances it is desirable that there should be sufficient provision for the administration of government; and furthermore, it would appear desirable that most of the provisions presented should be defined by the Territorial Legislature and not left to be changed at will by the Board.

Respectfully submitted,
WILLIAM O. SMITH, Chairman.

GEO. A. DAVIS,
T. McCANTS STEWART,
JOSEPH G. PRATT,
A. V. Gear.

Honolulu, March 6, 1901.

Mr. Smith also made an extended address upon the difficulties which were encountered during the day and night, looking themselves in and sometimes spending an entire morning or afternoon simply in reading proof and combining the two plans submitted. The committee stated that they had submitted two printed copies in which many corrections had been noted. Mr. Smith said that while a great deal of criticism would be made on account of the length of the draft, yet on looking into the matter it would be found much of the matter was simply a transcript of the existing laws of the Territory changed for use in the city. He also said there were many things which would have been amended if the committee had been appointed by the Legislature but they felt better after the draft had gone through the general charter commission, the executive committee of the Republican party, and had been amended by the members of the Legislature who introduced the bill, and had gone through the legislative hopper of committee and Senate and House amendments and a possible charter commission to be appointed by the Legislature, that it would be in good shape.

On motion the discussion of the report was laid over to the next meeting, Tuesday evening, at which time

DIVORCE OFF.

ROSE MINER, plaintiff in the divorce case on appeal of Rose Miner against Frank L. Miner, yesterday filed a discontinuance of her libel for divorce against the defendant in the First Circuit Court. The defendant filed a petition asking leave to discontinue his appeal, stating that said appeal had been duly perfected by reason of the plaintiff's discontinuance. By this process the decree of divorce issued out of the First Circuit Court and now on appeal, is annulled and the plaintiff and defendant are man and wife as before, just as if the divorce had never been granted. It will be remembered that the defendant's appeal was taken upon exceptions pertaining to alimony matters.

Hatch and Stillman represented the plaintiff in this case. The trial in the First Circuit Court occupied three weeks' time and was sensational. Mrs. Miner and daughter Gladys have booked to sail for England on March 13 and will be gone a long time.

SUGAR COMPANY FILIKIA.

A. S. Hartwell, an attorney for the defendant in the case of the Wailuku Sugar Company vs. the Hawaiian Commercial and Sugar Company yesterday filed an answer to plaintiff's bill for an injunction restraining defendant from obstructing the Wailuku river.

The answer in its body admits that the Wailuku river is a non-navigable stream, which flows through Wailuku and that in times of ordinary height of water it divides into two streams, just below the Wailuku iron bridge, the two streams flowing for a short distance in the river bed, uniting below a dam, known as the "Waialea" dam, which crosses the river. The defendant also admits that the plaintiff has land under lease from defendant, which lease expires July 31, 1901, said land being used as irrigation water from said river.

The plaintiff's bill, in other land, which is watered by the north branch of the stream, and that in times of ordinary water height, the water is used to flow in a rather narrow channel in the said north branch of the stream, in which the defendant has a right of "an irrigation stream," and the defendant denies that otherwise the plaintiff has the right "by prescription or by ancient Hawaiian custom, to irrigate the land referred to from the stream in question, or in the exercise of such right, to divert water from a small ditch leading from the north branch of the Wailuku stream."

Defendant admits that it built a wall across the Wailuku river and deposited thereon a considerable amount of earth, stone and gravel from a tunnel made by defendant, and that a recent frost carried away down stream the greater portion of the said wall, earth, stone and gravel, but denies that "the portion of said wall, or of such earth, stone or gravel remaining in said north branch hinders or obstructs the flow of water therein, as it has been accustomed to flow in said irrigation stream, or that the same or any portion thereof carried down stream as aforesaid, are or is deposited in any place within said river whereby the same obstruct the accustomed flow of water therein."

The allegation that the defendant "threatens and intends to reconstruct said wall across the north branch of the Wailuku stream and threatens to continue to deposit earth, stone and gravel in the bed of said stream," is also denied.

The answer refers to defendant's former showing of cause, and makes it a part of its answer, and prays to be dismissed. The answer is sworn to by H. T. Baldwin, president of the Hawaiian Commercial and Sugar Company.

In the afternoon a replication was filed by the attorneys for the plaintiff, averring that defendant's answer "is untrue, uncertain and insufficient, and that it will prove its petition to be true, certain and sufficient."

With the replication was filed an exception to the Court's order dissolving the temporary injunction, issued on March 6, and giving notice of plaintiff's intention to appeal to the Supreme Court from said order.

WM. HENRY,
Jaffor Oahu Prison.

Honolulu, H. T., March 8, 1901.
Hon. E. P. Dole, Attorney General of the Territory of Hawaii.

Dear Sir: In reply to yours of even date, I would state that there is no foundation whatever for the statement made by Nabee in regard to his being compelled to labor as a prisoner serving sentence, or otherwise; that it was by his own request he was allowed to perform some labor in and about the prison premises; that he was not, at any time, allowed to communicate or work with convicted prisoners. The labor so performed in and about the jail premises was only at his request and in the interest of humanity. Committed prisoners, often ask permission to do labor for exercise. The prison has no need of such labor, as we have a sufficient number of convicted prisoners to perform all the work required in and about the prison. The only cases where committed men have been allowed to work are these in which they have come to me and requested it. He was not clothed in prison garb.

All the foregoing can be verified by persons employed about the prison.

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TO GREET THEM.

THE MASONS of Honolulu held a final meeting last night in the matter of arrangements for the entertainment of the visiting Shriners who are to arrive from the Mainland on the 12th. All the plans that have been in embryo were perfected and committees appointed to attend to the various phases of entertainment to be given.

Three hundred tickets have been purchased for the Maternity Home luncheon, and this will be the first event of the series arranged for the Shriners. This will be on the 14th, and on the 20th there will be a grand invitational ball at the drill shed under the auspices of the resident Masons and Shriners, and a Shriners' theater night on the 25th has been arranged for with the company now playing at the Opera House. It is not known yet what the play is to be, but it is understood that it will be comedy.

Later there will be the initiation ceremonies and installation of Aloha Temple, the local order, and a trip by special train to Waialea and the plantations. Other entertainments will be arranged for, but these are the principal features already prepared for the final event being a grand banquet at the Hawaiian Hotel.

The arrangements are in charge of several committees. Mr. L. T. Grant being at the head of the entertainment committee, assisted by B. G. Holt, F. J. Ameg, Vernon Tenney and William Auld. Dr. C. B. Wood is the chairman of the general committee and assists Mr. Andrew Brown and J. S. Rothwell in the finance arrangements.

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We have a full line and sell them at right prices.
ELGINS reach us right.
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Elgins stand for what is right in time keeping and lasting qualities, and that is why we are right in pushing the Elgin Watch.

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BOX 342.

Wm. G. Irwin & Co.,
LIMITED.
Fire and Marine Insurance Ag'ts.

AGENTS FOR THE
Royal Insurance Company of Liverpool.
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HOLLISTER DRUG CO., Agents.

HOLLAND OF RIO LUCKY

SAN FRANCISCO, Feb. 22.—Third Officer C. J. Holland, reported dead, has turned up alive at the morgue. He said that he escaped in a boat, with seven Chinese of the crew, and that Captain Ward was carrying Mrs. Wildman to one of the boats when the steamer went down.

SAN FRANCISCO, Feb. 23.—So far as can be ascertained from obtainable data, 125 lives were lost in the wreck of the Pacific Mail Steamship Company's steamer, the *Albatross*. Some fishermen early this morning found a packet containing the papers of Purser Rooney. Among them was the passenger list and a bunch of cancelled tickets, and as there were names on the list whose canceled passenger tickets did not appear among those recovered, it is assumed that they had over either at Yokohama, Kobe or Honolulu. That they were not on the vessel at the time she went down is certain.

Surveyor of the Port Spear has established a patrol along Baker's Beach, and along the bay shore inside of Fort Point. Thus far his men have picked up four mail bags, one of these washing near Baker's beach, and the other near the Fort Point life saving station. The surveyor has given orders that all fishing boats must report at the customs barge office. All bodies brought in by them, and all wreckage and floating property, must be reported to the surveyor and accounted for at the barge office. In this way it is thought that looting of mail bags and trunks may be stopped.

Among other effects picked up by fishermen was the box containing Captain Ward's papers.

The investigation into the loss of the steamer will probably be held next week.

Graham Coghlan, the senior surviving officer of the ill-fated vessel, called on Captain Boles this morning to report and he was instructed to make a statement Monday morning.

The inspectors are in a peculiar position, the matter Captain Ward, the man held responsible for the navigation of the steamer, is dead, and the investigation of Pilot Jordan will be under the direction of the State Pilot Commissioners. The government inspectors can only inquire into the navigation of the ship as far as the second officer knows, and will investigate the management of the boats and similar matters. Pilot Jordan will be summoned as a witness.

The bodies of Captain Ward, First Officer Johnson, and Second Officer Coghlan were found floating in the bay near Alcatraz Island by Captain Lundquist, of the steamer *Acme*, and turned over to Captain Boles.

Germans Fight Chinese.

TIEN-TSIN, Feb. 23.—Several hundred Imperial Chinese troops attacked fifty Germans west of Paoiating February 21. The Germans had pressed fought a rear guard action and eventually drove the Chinese back. The Germans had one man killed and seven wounded. It is estimated that the Chinese lost 200 in killed and wounded.

Pacific Mail Steamship Company.

Occidental & Oriental S.S. Co and Toyo Kisen Kaisha.

Steamers of the above companies will call at Honolulu and leave this week on or about the dates below mentioned:

For Japan and China.

For San Francisco.

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